

MCC:EP:mz

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	CR. NO. 1:01-CR-00324
)	
v.)	(Judge Rambo)
)	
IZAK PARKER)	(Electronically filed)

**GOVERNMENT’S RESPONSE TO MOTION FOR RELIEF PURSUANT TO
TITLE 18 UNITED STATES CODE SECTION 3582(c)**

AND NOW comes the United States of America, by its undersigned counsel and submits the following Response to the Defendant’s Motion for Relief pursuant to Title 18 United States Code, Section 3582(c), setting forth the following material factors in support thereof:

1. The defendant, Izak Parker, was originally scheduled to be released on February 29, 2008 prior to the effective date of the amendment to the guidelines.
2. Defense counsel now files this emergency motion because the defendant’s release date was changed by the Bureau of Prisons to March 7, 2008.
3. While the United States Attorney’s Office is unaware of the specific circumstances of this change in release date, it would be logical to assume that the defendant violated some prison regulation resulting in the loss of a week of good time.
4. Absent additional information, the United States opposes the early release of this defendant in light of this recent disciplinary action.

5. As an aid to the Court, the United States requests that the United States Probation Office prepare a brief addendum to the pre-sentence report, confirming the recalculated guidelines imprisonment range in this case and describing any public safety factors in this case, as well as the defendant's institutional history. The United States submits that with this addendum to the pre-sentence report, the Court can decide the defendant's motion without the necessity of a hearing or the defendant's presence in Court.

6. If, upon favorable consideration of the public safety factors and the defendant's institutional history set forth in the addendum to the pre-sentence report, this Court concludes that a sentencing reduction is appropriate pursuant to the standards of U.S.S.G. § 1B1.10, the United States requests that this Court re-sentence the defendant to a sentence that is commensurate with the sentence originally imposed on the defendant for the guidelines range previously applicable in this case.

7. If this revised sentence results in the imposition of a term of imprisonment that is satisfied by time-served, the United States requests that this Court direct that the defendant be released ten (10) days from the date of the entry of this re-sentencing order, in order to allow the Bureau of Prisons to complete release planning, conduct the violent

sexual offender assessment mandated by law, and obtain any DNA samples required by law.

Respectfully submitted,

MARTIN C. CARLSON
ACTING UNITED STATES ATTORNEY

/s/ Eric Pfisterer

Eric Pfisterer
Assistant U.S. Attorney
228 Walnut Street, P.O. Box 11754
Harrisburg, PA 17108
717/221-4482 (Office)/717/221-4493(Fax)
Bar No. PA-38492

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 27th day of February 2008, she served a copy of the attached

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by electronic means by sending a copy to each of the e-mail addresses stated below:

ADDRESSEE(S):
Lori Ulrich, Esquire
lori_ulrich@fd.org

/s/ Mary Zerance
Mary Zerance
Legal Assistant